



Reprinted
March 2, 1999

HOUSE BILL No. 1891

DIGEST OF HB 1891 (Updated March 1, 1999 7:48 pm - DI 02)

Citations Affected: IC 20-8.1.

Synopsis: Waivers for early kindergarten enrollment. Requires the department of education to adopt rules concerning appeals for children who do not meet the age requirement for entrance into kindergarten or who transfer into an Indiana public school after having started kindergarten elsewhere.

Effective: July 1, 1999.

Kersey, Ruppel, Ayres

January 26, 1999, read first time and referred to Committee on Education.
February 22, 1999, reported — Do Pass.
March 1, 1999, read second time, amended, ordered engrossed.

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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1891

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 20-8.1-3-17 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 17. (a) Subject to the
3 specific exceptions under this chapter, each individual shall attend
4 either a public school which the individual is entitled to attend under
5 IC 20-8.1-6.1 or some other school which is taught in the English
6 language.
7 (b) An individual is bound by the requirements of this chapter from
8 the earlier of the date on which the individual officially enrolls in a
9 school or, except as provided in subsection (h), the beginning of the fall
10 school term for the school year in which the individual becomes seven
11 (7) years of age until the date on which the individual:
12 (1) graduates;
13 (2) reaches at least sixteen (16) years of age but who is less than
14 eighteen (18) years of age and the requirements under subsection
15 (j) concerning an exit interview are met enabling the individual to
16 withdraw from school before graduation; or
17 (3) reaches at least eighteen (18) years of age;

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1 whichever occurs first.

2 (c) An individual who:

3 (1) enrolls in school before the fall school term for the school year
4 in which the individual becomes seven (7) years of age; and

5 (2) is withdrawn from school before the school year described in
6 subdivision (1) occurs;

7 is not subject to the requirements of this chapter until the individual is
8 reenrolled as required in subsection (b). Nothing in this section shall
9 be construed to require that a child complete grade 1 before the child
10 reaches eight (8) years of age.

11 (d) An individual for whom education is compulsory under this
12 section shall attend school each year:

13 (1) for the number of days public schools are in session in the
14 school corporation in which the individual is enrolled in Indiana;
15 or

16 (2) if the individual is enrolled outside Indiana, for the number of
17 days the public schools are in session where the individual is
18 enrolled.

19 (e) In addition to the requirements of subsections (a) through (d), an
20 individual must be at least five (5) years of age on:

21 (1) July 1 of the 1991-92 school year; or

22 (2) June 1 of the 1992-93 school year or any subsequent school
23 year;

24 to officially enroll in a kindergarten program offered by a school
25 corporation. However, subject to subsection (g), the governing body of
26 the school corporation shall adopt a procedure affording a parent of an
27 individual who does not meet the minimum age requirement set forth
28 in this subsection the right to appeal to the superintendent of the school
29 corporation for enrollment of the individual in kindergarten at an age
30 earlier than the age that is set forth in this subsection.

31 (f) In addition to the requirements of subsections (a) through (e),
32 and subject to subsection (g), if an individual enrolls in school as
33 permitted under subsection (b) and has not attended kindergarten, the
34 superintendent of the school corporation shall make a determination as
35 to whether the individual shall enroll in kindergarten or grade 1 based
36 on the ~~particular model~~ assessment adopted by the governing body
37 under subsection (g).

38 (g) To assist the principal and governing bodies, the department
39 shall ~~do the following~~:

40 ~~(1) Establish guidelines to assist each~~ **adopt rules that a** governing
41 body **shall follow** in establishing a procedure for making appeals to the
42 superintendent of the school corporation under subsection (e) **and in**



making a determination under subsection (f). Rules adopted under this subsection must include the following:

(1) Uniform procedures for superintendents to consider in appeals under subsection (e), including:

(A) a specification that the decision concerning an individual's enrollment in kindergarten should be based on appropriate sources of information that are objective, carefully recorded, and reliable including:

(i) systematic observations and recommendations by teachers or other professionals;

(ii) samples of the child's work; or

(iii) extenuating family circumstances including a family having documented temporary residence in Indiana due to a sabbatical, residency program, military commitment, or similar reason; and

(B) a prohibition against charging the parent of an individual for whom an appeal is being made under subsection (e) for an assessment required by the school to determine the individual's academic and social readiness for kindergarten. However, a parent may have assessments performed at the parent's expense to demonstrate that an individual is ready for kindergarten.

(2) Establish Criteria by which a governing body may adopt a model assessment which will be utilized in making the determination under subsection (f).

(3) A provision that when a child transfers to an Indiana public school from an out of state school kindergarten program or a nonpublic school kindergarten program and does not meet the age requirements of subsection (e), the child must be accepted into the kindergarten program unless there is documentation to establish that the child was enrolled in the out of state school kindergarten program or nonpublic school kindergarten program for less than two (2) months for the purpose of evading the application of subsection (e).

(h) If the parents of an individual who would otherwise be subject to compulsory school attendance under subsection (b), upon request of the superintendent of the school corporation, certify to the superintendent of the school corporation that the parents intend to:

(1) enroll the individual in a nonaccredited, nonpublic school; or

(2) begin providing the individual with instruction equivalent to that given in the public schools as permitted under ~~IC 20-8.1-3-34~~; section 34 of this chapter;



not later than the date on which the individual reaches seven (7) years of age, the individual is not bound by the requirements of this chapter until the individual reaches seven (7) years of age.

(i) The governing body of each school corporation shall designate the appropriate employees of the school corporation to conduct the exit interviews for students described in subsection (b)(2). Each exit interview must be personally attended by:

- (1) the student's parent or guardian;
- (2) the student;
- (3) each designated appropriate school employee; and
- (4) the student's principal.

(j) A student who is at least sixteen (16) years of age but less than eighteen (18) years of age is bound by the requirements of compulsory school attendance and may not withdraw from school before graduation unless:

- (1) the student, the student's parent or guardian, and the principal agree to the withdrawal; and
- (2) at the exit interview, the student provides written ~~acknowledgement~~ **acknowledgment** of the withdrawal and the student's parent or guardian and the school principal each provide written consent for the student to withdraw from school.

(k) For the purposes of this section, "school year" has the meaning set forth in IC 21-2-12-3(j).

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1891, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

CHENEY, Chair

Committee Vote: yeas 13, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1891 be amended to read as follows:

Page 3, line 6, delete "must be based only" and insert "**should be based on appropriate sources of information that are objective, carefully recorded, and reliable including:**

- (i) systematic observations and recommendations by teachers or other professionals;
- (ii) samples of the child's work; or
- (iii) extenuating family circumstances including a family having documented temporary residence in Indiana due to a sabbatical, residency program, military commitment, or similar reason; and".

Page 3, delete lines 7 through 8.

Page 3, between lines 18 and 19, begin a new line block indented and insert:

"(3) A provision that when a child transfers to an Indiana public school from an out of state school kindergarten program or a nonpublic school kindergarten program and does not meet the age requirements of subsection (e), the child must be accepted into the kindergarten program unless there is documentation to establish that the child was enrolled in the out of state school kindergarten program or nonpublic school kindergarten program for less than two (2) months for the purpose of evading the application of subsection (e)."

(Reference is to HB 1891 as printed February 23, 1999.)

KERSEY

